

1
2
3
4
5
6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9
10

11 HARRIS WYATT,

12 Plaintiff,

13 v.
14

15 SANTA RITA COUNTY JAIL,
16 Defendant.
17

Case No.: C 13-5361 JSC (PR)

ORDER OF DISMISSAL

(Dkt. 6)

18 On November 19, 2013, Plaintiff, a California prisoner, filed this civil rights action
19 under 42 U.S.C. § 1983.¹ On the same day, the Clerk notified Plaintiff that he had neither
20 paid the filing fee nor completed an application to proceed in forma pauperis (“IFP”). The
21 notice further informed him that the case would be dismissed if he did not either pay the filing
22 fee or file a completed IFP application within thirty days. Along with the notice, the Clerk
23 mailed to Plaintiff the Court's IFP form, instructions for completing the form, and a stamped
24 return envelope. The instructions informed him that in order to complete the IFP application
25 he must submit the attached certificate of funds completed and signed by a prison officials and
26

27
28 ¹ Plaintiff has consented to the jurisdiction of a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c). (Dkt. No. 3.)

1 a statement from his trust account showing transactions for the previous six months. Plaintiff
2 submitted an IFP form but he did not include the required trust account statement or certificate
3 of funds completed and signed by a prison official. He has not explained why he did not
4 submit these items, nor has he asked for more time to do so. Plaintiff has not paid the filing
5 fee or completed an IFP application and the deadline for doing so has passed.

6 Accordingly, this case is DISMISSED without prejudice to Plaintiff filing the
7 complaint in a new action in which he either pays the filing fee or submits a complete IFP
8 application, including the required certificate of funds and trust account statement. The
9 incomplete IFP application (dkt. no. 6) is DENIED and no fee is due.

10 The Clerk shall enter judgment and close the file.

11 **IT IS SO ORDERED.**

12
13 Dated: February 3, 2014

14 
15 JACQUELINE SCOTT CORLEY
16 UNITED STATES MAGISTRATE JUDGE
17
18
19
20
21
22
23
24
25
26
27
28